

REMARKS

Claims 20-21 have been amended. Claims 23, 25 and 28-41 have been canceled without prejudice. New claims 42-57 have been added. Claims 20-22, 24, 26-27 and 42-57 are pending. Reexamination and allowance of the pending claims is respectfully requested.

Section 112 Rejection

In the 35 USC Section 112, first paragraph, rejection, the Examiner questions “how the apparatus can contain matter such as fluid without leakage if the bottom of the wall panel, and the periphery of the base panel are coupled with a sleeve by a ‘common stitching’ if there is only one layer of wall panel. In response, Applicant submits that the sheet material 46 of the panels is made from a waterproof material (see page 5, line 14 of the specification), and that the bottom piece or floor 58 is made from the same material as the sheet material 46 (i.e., waterproof) (see page 6, lines 9-11, and page 7, lines 16-19). Since all the sheet materials are waterproof, and they are stitched together by a stitching, there will be no leakage.

Obviousness-Type Double Patenting

Second, the claims stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of USP 6,901,940 and USP 7,308,989. Although Applicant does not agree with the obviousness-type double-patenting rejection, Applicant will consider filing a Terminal Disclaimer to overcome this rejection after the other substantive issues have been resolved.

Substantive Rejections

Independent claims 20, 28 and 35 stand rejected under 35 USC 103(a) as being unpatentable over (i) USP 5,429,437 to Shaw (“Shaw”) in view of USP 2,854,049 to Wyllie (“Wyllie”), and further in view of USP 6,783,016 to Wang (“Wang”), (ii) Wang in view of Wyllie, and (iii) USP 5,603,129 to Chou (“Chou”) in view of Wang. These rejections are respectfully traversed.

Independent claims 28 and 35 have been canceled without prejudice. Independent

claim 28 has been amended to recite that (i) the inflatable tube has a width when in an inflated configuration defined by an inner periphery and an outer periphery of the inflatable tube, (ii) the sleeve extends from an outer surface of the wall panel, and (iii) the width of the inflatable tube when in the inflated configuration is greater than a width of the sleeve. In contrast, none of the references disclose or suggest an inflatable tube at the top of the wall and having a width greater than a width of the sleeve at the bottom, and the sleeve being formed with a separate material, stitched to the base or the wall, and extending from an outer surface of the wall panel:

- Wang (USP 6,783,016) discloses a sleeve at top and bottom that is constructed to be the same (e.g., same size) and therefore does not disclose an inflatable tube at the top that has a greater width than the sleeve. In addition, Wang fails to disclose or suggest attaching the sleeve with stitching.
- Wyllie (USP 2,854,049) discloses inflatable tube sections at the top and bottom that are the same size. Wang also does not disclose or suggest a sleeve at the bottom that extends from an outer wall, or the sleeve being coupled by stitching.
- Chou (USP 5,603,129) does not disclose a sleeve at the bottom or a frame member disposed within a sleeve at the bottom. Chou discloses a bottom wall 12 that has an outer edge 14 heat sealed to the sidewall 16, which is formed with two layers (18 and 20). The Examiner points to the reinforcing band 32, however, the band 32 extends vertically on the wall 16 and is heat sealed therein via vertical heat seals 26a and 26b. The band 32 is also not disclosed as having folded and unfolded configurations.
- Shaw (USP 5,429,437) does not disclose or suggest a sleeve formed of a separate material or the sleeve extending from an outer surface of the wall panel. Shaw also does not disclose or suggest an inflatable tube at the top.

Thus, the combination of any of Chou, Shaw, Wyllie and Wang (even if proper, which Applicant disputes) would not even yield all the limitations in claim 20. Claim 20, and claims 21, 24, 26 and 27 depending therefrom, are submitted to be in condition for allowance.

New Claims 42-57

None of the cited references disclose or suggest a wall having portions along the periphery of the base (e.g., disposed around the pool) where some portions are formed with a single sheet and are coupled to other portions formed with two sheets.

Specifically, none of the references disclose:

- Claim 42: a wall having a first portion and a third portion formed with a single sheet, and a second portion disposed between the first and third portions and formed with two sheets.
- Claim 47: a wall having a second portion coupled to a first portion and a third portion and overlying a portion of the first portion and a portion of the third portion to form a double layer.
- Claim 52: a wall having a sheet material coupled to a first adjacent wall panel at a first side portion of that sheet material and being coupled to a second adjacent wall panel at a second side portion of that sheet material opposite the first side portion, each portion of the wall that include a sheet material having a first layer defined by that sheet material and a second layer.

Support for claims 42 and 52 can be found in FIG. 5 and the accompanying description in the specification, and support for claim 47 can be found in FIG. 4 and the accompanying description in the specification. None of the cited references teach or suggest these limitations:

Chou is formed with separate sections (8) of pool, each constructed with the same type of panel around the entire pool.

Shaw has a double layer wall around its entire container.

Wang discloses a single layer embodiment and a double layer embodiment, each having the same construction around the entire container.

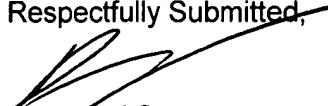
Wyllie discloses a single layer around entire tank.

Thus, independent claims 42, 47 and 52 are allowable over the cited references. Claims 43-46, 48-51 and 53-57 depend therefrom, and are allowable for the same reasons.



Thus, this application is submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any suggestions for placing the claims in condition for allowance.

Respectfully Submitted,


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I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: December 19, 2008

By:


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